



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Zhizhang Chen et al

Confirmation No.: 5243

Application No.: 09/846127

Examiner: Monica Lewis

Filing Date: Apr 30, 2001

Group Art Unit: 2822

Title: Annealed Tunneling Emitter (As Amended)

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, Nov 21, 2003, rejecting the following claims 1-17 and 21-40. The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$330.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| | | | | | | |
|------------------|-----------|------------|----------|----------|--------|----------|
| () one month | \$110.00 | 12/22/2003 | 5ZEW01E1 | 00000128 | 082025 | 09846127 |
| () two months | \$420.00 | | | | | |
| () three months | \$950.00 | 01/FC:1401 | | | 330.00 | DA |
| () four months | \$1480.00 | | | | | |

() The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$330.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA
22313-1450. Date of Deposit: 12/16/03
OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages:

Typed Name: Timothy F. Myers

Signature: Timothy F. Myers

Respectfully submitted,

Zhizhang Chen et al

By Timothy F. Myers
Timothy F. Myers

Attorney/Agent for Applicant(s)

Reg. No. 42,919

Date: 12/16/03